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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,114	12/16/2003	Mark F. DeHerrera	1280-SC12691ZC	5497
34814	7590	09/27/2005	EXAMINER	
TOLER & LARSON & ABEL, L.L.P. 5000 PLAZA ON THE LAKE SUITE 265 AUSTIN, TX 78746			LE, THONG QUOC	
			ART UNIT	PAPER NUMBER
			2827	

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/737,114

Applicant(s)

DEHERRERA ET AL.

Examiner

Thong Q. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 19-24,26-31,37-40 and 1017 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 37-40 is/are allowed.
- 6) ☒ Claim(s) 1,2,22 and 23 is/are rejected.
- 7) ☒ Claim(s) 3-17,19-21,24,26-31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_.

### **DETAILED ACTION**

1. Amendment filed on 07/22/2005 has been entered.
2. Claims 1-17,19-24,26-31,27-40 are presented for examination.

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-36 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2,22-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen et al. (U.S. Patent No. 6,683,815).

Regarding claims 1-2, 22-23, Chen et al. disclose a method (Figure 7) comprising: applying a first magnetic field (Figure 7, 80) to a magneto resistive memory cell (Column 1, lines 15-17); and applying a second magnetic field to the magneto resistive memory cell (Figure 7, 82); wherein the first magnetic field failed to write a desired value to magneto resistive memory cell, wherein the second magnetic field is stronger than the first magnetic field and wherein the magneto resistive memory cell is one of a plurality of magneto resistive memory cells (Figure 7, 76) arrayed with a plurality of rows and plurality of columns (Column 2, lines 15-18), and wherein the

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applying the first magnetic field comprises applying a first current pulse having a first current level to a trip line of magneto resistive memory cell; and wherein the applying the second magnetic field comprises applying a first current pulse having a second current level to a trip line of magneto resistive memory cell; and wherein the second current level is higher than the first current level ( Column 2, lines 19-67, Column 4, lines 5-44).

***Allowable Subject Matter***

6. Claims 3-17,19-21,24,26-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 3-17,19-21,24,26-31 include allowable subject matter since the prior art made of record and considered pertinent to the applicant's disclosure does not teach or suggest the claimed limitations. Chen et al. (U.S. Patent No. 6,683,815), and others, does not teach the claimed invention having the first current level is less than six sigma above a mean switching current.

Claims 37-40 are allowed.

Claims 37-40 include allowable subject matter since the prior art made of record and considered pertinent to the applicant's disclosure does not teach or suggest the claimed limitations. Chen et al. (U.S. Patent No. 6,683,815), and others, does not teach the claimed invention having applying the first magnetic field comprises a writing mode

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consisting from the group of a toggle mode, a direct write mode and a conventional write mode.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Le whose telephone number is 571-272-1783.

The examiner can normally be reached on 8:00am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoai V. Ho can be reached on 571-272-1777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thong Q. Le  
Primary Examiner  
Art Unit 2827

**THONG LE**  
**PRIMARY EXAMINER**